

**Minutes of Meeting  
Grafton Planning Board  
August 23, 2010**

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A regular meeting of the Grafton Planning Board was held on Monday, August 23, 2010 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Bruce W. Spinney III, Vice-Chairman Robert Hassinger, Clerk Stephen Qualey, Heath Christensen, David Robbins and Associate Member James Walsh III. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:00 p.m.

**ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – ANR 2010-7  
QUINSIGAMOND CORPORATION – BRIGHAM HILL ROAD – PETER WILLIAMS,  
APPLICANT**

Mr. Bishop reviewed the plan with the Board stating it met all the requirements and, noting that the back parcel was landlocked but appropriately labeled that it was not a buildable lot.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve ANR 2010-7 and to authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 5 to 0.

Chairman Spinney received unanimous consent to take Discussion Item 2-B out of order.

**DISCUSSION ITEM 2-B – DISCUSS WITH PLANNING BOARD MODIFICATIONS TO  
THE DEFINITIVE PLAN APPROVAL FOR THE “BRIGHAM HILL ESTATES”  
SUBDIVISION – SHAWN NUCKOLLS, PROJECT MANAGER TOLL BROTHERS,  
PETITIONER**

Present for the discussion were Shawn Nuckolls and Eric Carlson of Toll Brothers; Attorney Mark Kablack; and Engineer Brian MacEwen of Graz Engineering.

Mr. Bishop submitted copies of the phasing plan to the Planning Board.

Mr. Nuckolls informed the Board that Toll Brothers, in performing its due diligence, has obtained the necessary authorizations from current owner Brigham Hill Development, LLC, to seek three modifications to the approved plans, and is requesting whether the Planning Board would be inclined to determine these modifications as minor. Mr. Nuckolls noted that they had already met with the Conservation Commission, who was on board that the changes would improve the overall constructability of the project and minimize the amount of disturbed site area to 5.5 acres at any given time. Mr. Nuckolls stated that the 3 modifications consist of:

1. Modifying the current construction sequencing and phasing plan consisting of 3 phases, with the third phase involving lot development; to concurrently advance the roadway, drainage and utility infrastructure development with the lot development. Mr. Nuckolls added this modification will enable Toll Brothers to effectively market the project.

2. Modifying the current approved plans for three reinforced concrete retaining walls at proposed ROW locations to three Redi-Rock pre-cast gravity retaining wall system. Mr. Nuckolls noted that this wall is easier and quicker to construct along with being more cost effective.

3. Establishment of a construction staging/field office and to use the existing gravel road linking the Brigham Hill Road section of the site to the Brielle Road section as a construction access road.

Mr. MacEwen reviewed the entire phasing plan and other requested modifications with the Board, adding that the Conservation Commission and agent Linda Dettloff have expressed favorable comments on their initial review of the plans.

Mr. Hassinger expressed his concerns about approving modifications to phasing plans for a subdivision that required many public hearings to reach an agreeable solution; that this new phasing plan depicts two cul-de-sacs over 500 feet off of Brielle Road, a private way, and increased traffic at the intersection on Brigham Hill Road with a limited sight line.

Mr. Robbins suggested Toll Brothers make arrangements with the subdivision owner to extend the due diligence deadline, pending the results of the minor modification submission.

Chairman Spinney suggested Toll Brothers consider offering some mitigation with regard to the ledge removal at the Brigham Hill Road intersection in lieu to the minor modification requests for the subdivision approval.

Attorney Kablack stated that Toll Brothers is completing its due diligence on the relevant issues with regard to purchasing this subdivision and if these issues can't be reconciled, they will have to decide how they will proceed.

Mr. Hassinger insisted there needs to be a public hearing to deal with the project phasing changes requested that will directly impact the abutters of the subdivision and that he will need to review the "Brigham Hill Estates" subdivision special permit and definitive plan approval decisions for a better insight these changes will have. Mr. Hassinger suggested the petitioner file immediately for a public hearing on September 13<sup>th</sup>, but it was determined there was not sufficient time to gather and present the information in a timely fashion to meet the legal ad deadline.

Mr. Nuckolls noted that Toll Brothers prefers not to engage in a public hearing and would like to get the requested issues resolved through due diligence by their September 15<sup>th</sup> deadline with the owner.

Chairman Spinney received unanimous consent that the petitioner needs to submit a formal minor modification request to the Board at the next meeting and depending on the Board's determination, and then file an application for a public hearing if it is determined to be required.

## **MINUTES OF PREVIOUS MEETINGS**


**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve the open session minutes of August 9, 2010 as drafted. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Christensen, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 8:30 p.m.

### **EXHIBITS**

- **Action Item 1A: Approval Not Required, ANR 2010-7– Brigham Hill Road, Quinsigamond Corporation**
  - Form Application for Endorsement of Plan Believed Not to Require Approval; 1 page, signed August 4, 2010, received August 5, 2010.
  - Affidavit ANR Plan Submittal, signed by Rod. D. Carter, surveyor / engineer, 1 page, received August 5, 2010.
  - Plan of Land in the Town of Grafton, MA, 24” x 36”, prepared by Blackstone Valley Survey & Engineering, Inc. certified and dated June 18, 2010
- **Discussion Item 2B: Brigham Hill Estates Subdivision**
  - Correspondence from Tom Zocco, Brigham Hill Development LLC, re: authorization for Toll Brothers to act on his behalf in seeking modifications, 1 page, dated August 2, 2010, received August 4, 2010.
  - Copy of Correspondence from Toll Brothers to the Grafton Conservation Commission regarding modification to the construction sequencing and phasing, modification to proposed retaining wall specifications, and general construction phase management, 2 pages, dated August 2, 2010, received August 4, 2010.
- Draft Meeting Minutes, Grafton Planning Board, 9 pages, August 9, 2010.

  
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Stephen Qualey, Clerk

